

TOWN OF LAMOINE

Minutes of Special Planning Board Meeting

**December 10, 2013
Lamoine Town Hall**

Planning Board Members

Present: Holt, Bamman, Gallagher, Donaldson, Tadema-Wielandt, Weber
(alt), Fowler (alt)

Code Enforcement Officer

Present: M. Jordan

Members of the Public: W. Brutsaert, C. de Tuede, D. Henry, K. Salkaln (and partner),
S. Salisbury

Members of the Press: J. Weaver, Ellsworth American

Public Hearings on Gravel Permit Applications

Chair Holt called the hearings to order at 6:34 p.m.

Holt requested comment on the following Harold MacQuinn Gravel Permit Applications:

Map 20 Lot 12 (Higgins Pit)

Map 9 Lot 13 (Sand Pit, formerly the second Higgins Pit)

Map 7 Lot 9 (Beal Pit)

Map 7 Lot 7 (Jones Pit)

Map 3 Lots 42 & 43-1 (Asher Pit)

Map 3 Lots 31 & 33 (Kittredge Pit)

One comment was presented by C. de Tuede as a “general comment”. Ms de Tuede observed that Bar Harbor has barred quarrying because of concerns about damage to the environment and to land values. She further noted that “owners and operators” of gravel pits in Lamoine currently own approximately “10% of the land area” of the town and expressed deep concern about the negative impacts of these “industrial uses” on the land and land values.

Public Hearings adjourned at 6:44 p.m.

Special Planning Board Meeting

1. Chair Holt called the meeting to order at 6:45 p.m.

2. Action on Gravel Permit Applications

a. Action on Harold MacQuinn, Inc. gravel permit application Map 20 Lot 12 (Higgins Pit).

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all standards except the following (see checklist on file):

- i. Standard A(4) Buffer Strip. Distance from wetlands at the northwest corner of the parcel may need to be 250 feet if the wetland qualifies as a freshwater wetland.
- ii. Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one additional well in this pit.
- iii. Standard D(1) Salsbury reported that no further extraction can occur along the Western boundary, qualifying those areas for immediate restoration.
- iv. Standard D(2) Unclear statement of the plan to restore.
- v. Standard E(7) "Trucks Entering" signs are not installed.

Note:

- 1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

The following five conditions were voted by the Board:

A(4) Donaldson (Gallagher) moved that excavation not be permitted within 250 feet of the wetland on the northwest boundary of the pit until the Board has an accurate assessment of the size and characteristics of the wetland and can determine whether it conforms to this Performance Standard or not.

Approved: 5-0.

C(1) Holt (Tadema-Wielandt) moved to require the applicant to install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the well be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 9.4 acre site; further, that a report be submitted to the Planning Board on the results of this installation and on water level and quality data from Test Well OW-2 by May 1, 2014.

Approved: 5-0.

D(1) Donaldson (Gallagher) moved that the applicant be required to provide a map amendment proposing restoration on the western boundary for those areas that can no longer be excavated. Approved: 5-0.

D (2) Consensus of the Board to require the applicant to submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).

E(7) Consensus of the Board to require the applicant to provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs.

Holt (Gallagher) moved to approve the permit with five conditions stated above.
Approved: 4-1 (Tadema-Wielandt)

b. Action on Harold MacQuinn, Inc. gravel permit application Map 9 Lot 13 (Sand Pit, formerly the second Higgins Pit).

The Board applied the Performance Standards from Section 8 of the [Lamoine Gravel Ordinance](#) and found the application in compliance on all standards except the following (see checklist on file):

- i. Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one additional well in this pit.
- ii. Standard D(2) Unclear statement of the plan to restore.
- iii. Standard E(7) “Trucks Entering” signs are not installed.
- iv. Standard K Higgins cemetery is not identified on the map

Note:

- 1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

The following four conditions were voted by the Board:

C(1) Holt (Donaldson) moved to require the applicant to install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the well be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 8.0 acre site; further, that a report be submitted to the Planning Board on the results of this installation and on water level and quality data from Test Well OW-1 by May 1, 2014.

Approved: 5-0.

D (2) Consensus of the Board to require the applicant to submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).

E(7) Consensus of the Board to require the applicant to provide the Planning Board by December 31, 2013 with a copy of a letter to the Lamoine Road Commissioner requesting the installation of “Trucks Entering” signs.

K Consensus of the Board to require the applicant to designate on the map the location of the Higgins Cemetery

Donaldson (Gallagher) moved to approve the permit with four conditions stated above. Approved: 5-0.

c. Action on Harold MacQuinn, Inc. gravel permit application Map 7 Lot 9 (Beal Pit).

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all standards except the following (see checklist on file):

- i. Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one well be installed in this pit.
- ii. Standard D(2) Unclear statement of the plan to restore.
- iii. Standard E(7) "Trucks Entering" signs are not installed.

Note:

- 1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

The following three conditions were voted by the Board:

C(1) Gallagher (Donaldson) moved to require the applicant to install one monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 4.8 acre site; further, that a report be submitted to the Planning Board on the results of this installation by May 1, 2014.

Approved: 5-0.

D (2) Gallagher (Bamman) moved to require the applicant to submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).
E(7) Holt (Gallagher) moved to require the applicant to provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of "Trucks Entering" signs.

Donaldson (Gallagher) moved to approve the permit with three conditions stated above. Approved: 5-0.

d. Action on Harold MacQuinn, Inc. gravel permit application Map 7 Lot 7 (Jones Pit).

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all standards except the following (see checklist on file):

- i. Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one additional well in this pit.
- ii. Standard D(2) Unclear statement of the plan to restore.
- iii. Standard E(7) "Trucks Entering" signs are not installed.

Note:

1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

The following three conditions were voted by the Board:

C(1) Holt (Gallagher) moved to require the applicant to install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 3.0 acre site; further, that a report be submitted to the Planning Board on the results of this installation by May 1, 2014. Approved: 5-0.

D (2) Gallagher (Holt) moved to require the applicant to submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).

E(7) Holt (Gallagher) moved to require the applicant to provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of “Trucks Entering” signs.

Holt (Donaldson) moved to approve the permit with three conditions stated above. Approved: 5-0.

e. Action on Harold MacQuinn, Inc. gravel permit application Map 3 Lots 42 & 43-1 (Asher Pit).

The Board applied the Performance Standards from Section 8 of the Lamoine Gravel Ordinance and found the application in compliance on all standards except the following (see checklist on file):

- i. Standard A(1) Buffer Zone: no buffer zone is indicated along the southerly boundary of the parcel
- ii. Standard B Screening: insufficient screening exists in buffer strips along the southerly, easterly, and northerly boundaries of the parcel
- iii. Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one additional well in this pit.
- iv. Standard D(1, a-e) Restoration: easterly side of this pit can no longer be excavated and must be restored; application includes no restoration plans.
- v. Standard D(2) Unclear statement of the plan to restore.
- vi. Standard E(7) “Trucks Entering” signs are not installed.

Note:

1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

The following conditions, applying to six Performance Standards, were voted by the Board:

A(1) Donaldson (Bamman) moved to require the applicant to amend the map by designating the required buffer strip on the southerly boundary of the pit.

Approved: 5-0.

(B) and D(1,a-e) Holt (Bamman) moved that all buffer areas on the southerly, easterly, and northerly sides of the pit be screened as required by the Lamoine Gravel Ordinance and restored as required by Subsection 8D(1, a-e) of that ordinance and that this work be completed by the expiration date of this permit. Further, that a map and plan for screening and restoration be presented to the Planning Board by January 21, 2014. Approved: 5-0.

C(1) Donaldson (Gallagher) moved to require the applicant to install one additional monitoring well that extends into the water table and that is suitable for drawing samples for water quality testing; and further that the wells be located within the pit in order to give a fair picture of the water table and the soils lying beneath the 4.8 acre site; further, that a report be submitted to the Planning Board on the results of this installation by May 1, 2014. Approved: 5-0.

D (2) Consensus of the Board to require the applicant to submit an amendment to the Restoration Statement clearly stating that the Restoration Plan will address all requirements (a – e) in Performance Standard 8D(1).

E(7) Consensus of the Board to require the applicant to provide the Planning Board by December 31, 2013 with a copy of a letter to the Maine Department of Transportation requesting the installation of “Trucks Entering” signs.

Holt (Gallagher) moved to approve the permit with the conditions stated above.

Approved: 5-0.

f. Action on Harold MacQuinn, Inc. gravel permit application Map 3 Lots 31 & 33 (Kittredge Pit).

NOTE: THIS REVIEW HAS NOT BEEN COMPLETED.

The Board began the review of Performance Standards from Section 8 of the Lamoine Gravel Ordinance and tentatively found that the application was not in compliance with the following standards:

i. Standard A(4) Buffer Strip: insufficient information to determine whether the wetland in the westerly pit meets the definition of a “significant wetland” and thus might require a 250 foot setback to the pit area.

ii. Standard C(1) Groundwater Protection: the ordinance calls for 1 monitoring well for every 5 acres of gravel pit, requiring one additional well in the easterly pit and four additional wells in the westerly pit.

iii. Standard D(2) Unclear statement of the plan to restore.

iv. Standard E(7) “Trucks Entering” signs are not installed.

v. Standard K Landscape Preservation: Uncertainty regarding the plans to address wetlands, aquifers, steep slopes.

Note:

1. Subsection H could not be reviewed as this is the first application under the new ordinance and no Annual Report has yet been filed.

The Board discussed placing a condition on the permit relating to Subsection A(4) to address the buffer strip that must surround the wetland in the westerly pit. Uncertainties arose about the definitions in the ordinance, the nature of the wetland itself, and the applicability of the ordinance. Board members agreed to pursue clarifications of definitions and applicability criteria. Salsbury agreed to provide the results of a study by S.W. Cole to the Board by December 31, 2013. Holt (Gallagher) moved to table further action on this permit application until January 14, 2014.

Adjourned at 9:50 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary